

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the)	
relation of State Engineer,)	
)	
Plaintiff,)	
)	69cv07941-BB
-v-)	
)	RIO CHAMA STREAM SYSTEM
RAMON ARAGON et al.,)	
)	
Defendants.)	
_____)	

MOTION OF SPECIAL MASTER
FOR INTERIM FEES AND EXPENSES

TO: The Honorable Bruce D. Black
United States District Judge

FROM: Vickie L. Gabin
Special Master

A Motion requesting the Court to approve interim fees and expenses, a brief summary of the work performed, and the Special Master's Declaration in support of Motion

This Motion is submitted pursuant to the Administrative Order entered February 23, 1995, regarding the manner in which the Special Master, data manager and other personnel required by the Special Master are paid for services, costs, expenses and New Mexico gross receipts taxes related to this adjudication. The Special Master hereby moves for an order of the Court approving the work performed in this case from January 1, 2009, through June 30, 2009, as described herein, and the manner by which fees and expenses have been paid from the trust account.

I. WORK PERFORMED

A. Case management

The status of this case has changed relatively little over the six months to which this Motion applies. The court's data manager continues to track all water rights information contained in newly filed consent orders for Sections 3 (Rios Cebolla, Canjilon and Las Nutrias), and Section 7 (Tierra

Amarilla). I continue to review and approve consent orders and acknowledgments, decide motions relevant to subfile activity in these sections, and enter litigation and scheduling orders. There has been renewed emphasis on completing work in Section 1, the Mainstream Section, so that the Office of the State Engineer may begin to administer those water rights.

The partial final decree (or, perhaps, interim decree) to be entered in Section 5 (Gallina) is nearer to completion, and the parties have been working on pleadings for use in the *inter se* proceedings. In Section 7, the resolution of the state law-based claims of the Jicarilla Apache Nation is proceeding. Work on the historical reports continues. Efforts to bring up to date and complete the reaches of the Rio Chama Stream System which were adjudicated in previous decades continue.

B. Federal and Indian water rights claims

The adjudication of the water rights claims of the Pueblo of Ohkay Owingeh is stayed for several reasons, most significantly because Pueblo claims in other federal adjudications are moving forward and the same attorney and court resources are dedicated to those proceedings.

The Wild and Scenic River claims matter, which was remanded to me by the Court, is governed by the July 18, 2005, Initial Scheduling and Pretrial Order for the Adjudication of Wild and Scenic River Claims, as amended. The parties are continuing to work on reaching a proposed consent order, and I have begun to examine strategies for subsequent *inter se* proceedings.

II. DECLARATION

DECLARATION OF SPECIAL MASTER IN SUPPORT OF MOTION

I, Vickie L. Gabin, declare that the work described above is the basis for this Motion, and that the work of data manager, Karla Bruner/AquaTek has been completed as described. Hourly records

of work performed are available from the contractor if needed.

Dated: October 20, 2009

Vickie L. Gabin
SPECIAL MASTER VICKIE L. GABIN